
Poland – Tier 1

Poland is a source, transit, and destination country for men, women, and children subjected to forced labor and sex trafficking. Labor trafficking is increasing in Poland; forced labor victims originate from Europe, Asia, and Africa. Children, particularly Romani children, are recruited for forced begging in Poland. Men and women from Poland are subjected to forced labor in Europe, primarily Western and Northern Europe. Women and children from Poland are subjected to sex trafficking within the country and also in other European countries. Women and children from Eastern Europe, particularly Bulgaria, Romania, and Ukraine, are subjected to sex trafficking in Poland.

The Government of Poland fully complies with the minimum standards for the elimination of trafficking. During the reporting period, the government provided specialized training to police and border guard officers on topics such as victim identification, standard operating procedures, and legislation referring to human trafficking; however, prosecutors and judges lacked adequate training opportunities. The courts upheld fewer convictions than in previous years. A large proportion of convicted traffickers continued to receive suspended prison sentences, and law enforcement action against forced labor was insufficient, despite a large number of labor trafficking victims identified. The government continued to fund victim services and amended laws to improve available protections for foreign victims; however, the government did not provide specialized services to child victims of trafficking.

RECOMMENDATIONS FOR POLAND:

Provide child victims of trafficking specialized care; increase training for prosecutors and judges; investigate, prosecute, and convict individuals engaged in labor trafficking; improve efforts to identify victims proactively among vulnerable populations, particularly unaccompanied children and irregular migrants; continue to investigate and prosecute trafficking offenses vigorously and take steps to ensure that trafficking offenders receive sentences commensurate with the severity of the crime; facilitate victims' access to compensation by encouraging prosecutors to request compensation during criminal cases and systematically informing victims of their right to pursue civil suits against their traffickers; increase the shelter system's capacity to assist victims, including men and children; consider amending the criminal code to ensure that identified victims are not penalized for acts committed as a direct result of being trafficked; consider establishing an

independent national rapporteur to monitor the government's anti-trafficking progress; and conduct additional awareness campaigns to reduce the demand for commercial sex acts.

PROSECUTION

The government improved its law enforcement efforts. Poland prohibits all forms of trafficking through Articles 115.22, 115.23, 189a, 203, and 204.3 of its criminal code, which prescribe punishments of one to 15 years' imprisonment. These penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. In 2014, the police and border guard launched investigations of 74 cases, compared with 77 in 2013. The government lacked a central mechanism to cross-reference and consolidate statistics, but reported authorities prosecuted 28 suspected traffickers and convicted 37 in 2014, compared to 48 defendants prosecuted and 35 traffickers convicted in 2013. In collecting data, the government only considered sentences issued after appeals to be final. In 2013, the most recent year for which post-appeal sentences were available, 41 convictions were upheld, compared with 64 in 2012. Similar to the previous four years, approximately half of the convicted traffickers received suspended sentences. Convicted traffickers who received prison terms served sentences ranging from one to five years' imprisonment; 71 percent of convicted traffickers received a sentence of two years or less. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses. Authorities collaborated on investigations with counterparts in several foreign countries. The government included trafficking in basic training for the police and border guard and provided additional trainings during 2014. The government did not provide any training on trafficking to prosecutors and judges; according to GRETA, prosecutors and judges often lacked expertise in labor trafficking cases. Authorities reported that Polish courts have very rarely issued convictions for trafficking for forced labor, despite NGOs assisting over 170 victims of forced labor and forced begging in 2013-2014. Observers reported that prosecutors were sometimes reluctant to prosecute suspected traffickers due to the complexity and difficulty of those cases.

PROTECTION

The government maintained strong victim protection efforts, though authorities did not provide specialized care for child victims. In 2014, the government allocated one million zloty (\$269,900) to two NGOs that run the National Intervention-Consultation Center for Victims of Trafficking (KCIK). Public authorities and experts reported inadequate victim identification was a major challenge, especially in labor exploitation and underage victim cases. KCIK provided assistance to 207

victims in 2014, compared with 222 in 2013. Of the 207 victims, 136 were foreign nationals and 100 were victims of forced labor and forced begging. KCIK offered victims medical and psychological care, legal assistance, food, clothing, and employment-related training. Adult female victims had access to trafficking-specific shelters, and they were allowed to leave the shelters unchaperoned and at will. KCIK was responsible for finding safe shelter for male trafficking victims and used crisis centers and hostels for this purpose, as there were no trafficking-specific shelters for men. The national system of victim assistance did not properly address the needs of unaccompanied minors. The government placed child victims in orphanages and with foster families. GRETA reported some unaccompanied minors, who may have been trafficking victims, disappeared from orphanages. Local governments also funded and operated 183 crisis intervention centers; 23 were designated specifically for adult trafficking victims.

The government's witness protection program provided foreign victims with a temporary residence permit, medical and psychological care, and shelter or lodging support for those who cooperated with law enforcement. The government enrolled 62 trafficking victims into this program in 2014. The revised Law on Aliens, which entered into force in May 2014, extends the possible validity of a residence permit to three years and provides for the possibility of permanent residency. Foreign victims were entitled to a three-month reflection period, during which they could stay legally in Poland to decide whether to assist in the criminal process; 22 victims received this reflection period in 2014. GRETA reported authorities did not systematically inform victims about the reflection period. Although victims could file civil suits against traffickers and judges could order compensation for victims in criminal cases, observers reported very few trafficking victims have ever received compensation from their traffickers. Six trafficking victims were convicted for illegally crossing the Polish border; however, at the close of the reporting period, authorities were evaluating whether to request an overturning of the verdict based on their status as victims.

PREVENTION

The government sustained strong prevention efforts. In 2014, the government allocated 135,000 zloty (\$36,400) for the implementation of tasks related to the 2013-2015 national action plan for combating trafficking. The interior ministry continued to lead the inter-ministerial anti-trafficking team, as well as a working-level group of experts, which met regularly to coordinate efforts and develop national anti-trafficking policies. However, observers reported Poland lacked effective central operational coordination for all anti-trafficking activities. The government did not have an independent national rapporteur to monitor anti-

trafficking efforts. The government continued to establish provincial teams to improve coordination; six of Poland's 16 regions had teams comprising local provincial officials, law enforcement, and NGOs. The government sponsored information campaigns, several of which targeted schoolchildren, migrant workers in Poland, and Poles seeking work abroad. The government offered a training session on combating trafficking for 33 labor inspectors. The government provided anti-trafficking training or guidance for its diplomatic personnel. The government did not demonstrate efforts to reduce the demand for commercial sex.

(End final text of country narrative.)